

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN
AND RELATED MOTIONS

Name of Debtor(s): **Gerald L. McTague**
Lena A McTague

Case No: **05-39803**

This plan, dated **February 22, 2006**, is:

- ☐ the *first* Chapter 13 plan filed in this case.
☒ a modified plan, which replaces the plan dated **October 21, 2005**.

The plan provisions modified by this filing are:

Increase total amount paid into plan; increase amount paid to unsecured creditors who have filed an allowed proof of claim to 100%

Creditors affected by this modification are:
all creditors

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless written objection is filed on or before ten (10) days prior to the confirmation hearing and the objecting party appears at the confirmation hearing set for April 5, 2006 @ 9:30 AM 1100 E Main St. Richmond, VA 23219.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: **\$184,941.80**
Total Non-Priority Unsecured Debt: **\$100,787.25**
Total Priority Debt: **\$0.00**
Total Secured Debt: **\$54,325.97**

1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of **\$259.00 Monthly for 16 months, then \$63,500.00 Monthly for 1 months**. Other payments to the Trustee are as follows: NONE. The total amount to be paid into the plan is \$ 67,644.00.

2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

1. The Trustee will be paid 10% of all sums disbursed except for funds returned to the debtor(s).
2. Debtor(s)' attorney will be paid \$ 0.00 balance due of the total fee of \$ 1,500.00 concurrently with or prior to the payments to remaining creditors.

B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred case payments pro rata with other priority creditors or in monthly installments as below:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Estimated Claim</u>	<u>Payment and Term</u>
-NONE-			

3. **Secured Creditors and Motions to Value Collateral.**

This paragraph provides for claims of creditors who hold debts that (a) regardless of term, are being bifurcated into secured and unsecured portions, (b) do not have a term longer than the length of this plan, or (c) are not secured solely by the debtor(s)' principal residence.

A. Collateral to be retained. The following creditors shall retain their liens and be paid as indicated below. Insurance will be maintained at the debtor(s)' expense, in accordance with the terms of the contract and security agreement. The debtor(s) move to value the collateral as stated below. The Trustee shall pay allowed secured claims the value stated from the date of confirmation until the secured claim is paid in full. The excess of the creditor's claim over the stated value shall be treated as an unsecured claim. Upon completion of the plan, the creditor shall release its lien and deliver any certificate of title to the debtor(s). **Unless written objection to the value below is timely filed with the Court, the Court may determine that the collateral is worth the value stated.** If a timely objection is filed, the value will be determined by the Court at the confirmation hearing.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Collateral Value</u>	<u>Estimated Claim</u>	<u>Interest Rate</u>	<u>Monthly Payment and term*</u>
-NONE-					

**These secured claims will be paid by the Trustee either on a fixed monthly basis as stated or pro rata with other secured claims.*

B. Collateral to be surrendered. Upon confirmation of the plan, or before, the debtor will surrender his or her interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such creditor's claim, the creditor may hold a non-priority, unsecured claim for a timely filed deficiency claim. The order confirming the plan shall have the effect of terminating the automatic stay as to the collateral surrendered.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Estimated Total Claim</u>
-NONE-		

4. **Unsecured Claims.**

A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 100 %. If this case were liquidated under Chapter 7, the debtor(s) estimate unsecured creditors would receive a dividend of approximately 100 %.

B. Separately classified unsecured claims.

<u>Creditor</u>	<u>Basis for Classification</u>	<u>Treatment</u>
-NONE-		

5. Long Term Debts and claims Secured by the Debtor(s)' Primary Residence.

Creditors listed below are either secured by the debtor(s)' principal residence or hold a debt the term of which extends beyond the term of this plan.

- A. Debtor(s) to pay claim directly.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Estimated Cure Period</u>	<u>Monthly Arrearage Payment</u>
Orange Lake Resort &	WK 11 Unit 6315 Orange Lake Resort & Country Club Kissimmee, FL 34747	195.13	0.00	0%	0 months	
Wells Fargo	9525 Post Lane Spotsylvania, VA 22553	528.00	0.00	0%	0 months	

- B. Trustee to pay the contract payments and the arrearages.** The creditors listed below will be paid by the Trustee the regular contract monthly payments during the term of this plan. The arrearage claims, if any, will be cured by the Trustee by payments made either pro rata with other secured claims or by fixed monthly payments as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Term for Arrearage</u>	<u>Monthly Arrearage Payment</u>
-NONE-						

6. Executory Contracts and Unexpired Leases. The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.

- A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u>	<u>Type of Contract</u>
-NONE-	

- B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Type of Contract</u>	<u>Arrearage</u>	<u>Monthly Arrearage Payment</u>	<u>Estimated Cure Period</u>
-NONE-				

7. Motions to Avoid Liens.

- A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f).** The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u>	<u>Collateral</u>	<u>Exemption Basis and Amount</u>	<u>Value of Collateral</u>
-NONE-			

- B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f).** The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for informational purposes only.

<u>Creditor</u>	<u>Type of Lien</u>	<u>Description of Collateral</u>	<u>Basis for Avoidance</u>
-NONE-			

8. Treatment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the plan.

- 9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, or encumber real property without approval of the court.

- 10. Incurrence of indebtedness.** During the term of the plan, the debtor(s) shall not incur additional indebtedness in an amount exceeding \$5,000 without approval of the court.

- 11. Other provisions of this plan:**
The Trustee may extend the number of monthly payments and thus increase the total amount paid into this plan so that unsecured creditors who have filed a proof of claim are paid 100% of their allowed claims.

Signatures:

Dated: 2/28/06

/s/ Gerald L. McTague
Gerald L. McTague
Debtor

/s/ Walter Ragland
Walter Ragland 22654
Debtor's Attorney

/s/ Lena A. McTague
Lena A McTague
Joint Debtor

Exhibits: **Copy of Debtor(s)' Budget (Schedules I and J);**
Matrix of Parties Served with plan

Certificate of Service

I certify that on February 28, 2006, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Walter Ragland

Walter Ragland 22654

Signature

P.O. Box 675

Thornburg, VA 22565

Address

540-370-4800

Telephone No.

United States Bankruptcy Court
Eastern District of Virginia

In re	Gerald L. McTague	Debtor(s)	Case No.	05-39803
	Lena A McTague		Chapter	13

SPECIAL NOTICE TO SECURED CREDITOR

To: **Orange Lake Resort &
Country Club
P.O. Box 850001
Orlando, FL 32885**

Name of creditor

**WK 11 Unit 6315
Orange Lake Resort & Country Club
Kissimmee, FL 34747**

Description of collateral

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):
- ☒ To value your collateral. ***See Section 3 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 7 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.
2. ***You should read the attached plan carefully for the details of how your claim is treated.*** The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the date specified and appear at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.

Date objection due:	<u>Ten days prior to confirmation</u>
Date and time of confirmation hearing:	<u>April 5, 2006 @ 9:30 AM</u>
Place of confirmation hearing:	<u>1100 E Main St. Richmond, VA 23219</u>

**Gerald L. McTague
Lena A McTague**

Name(s) of debtor(s)

By: /s/ Walter Ragland
Walter Ragland 22654
Signature

☒ Debtor(s)' Attorney
☐ Pro se debtor

Walter Ragland 22654

Name of attorney for debtor(s)
**P.O. Box 675
Thornburg, VA 22565**

Address of attorney [or pro se debtor]

Tel. # 540-370-4800
Fax # 540-370-4903

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

☒ first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or

☐ certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this **February 28, 2006**.

/s/ Walter Ragland

Walter Ragland 22654

Signature of attorney for debtor(s)

United States Bankruptcy Court
Eastern District of Virginia

In re **Gerald L. McTague**
Lena A McTague

Debtor(s)

Case No. **05-39803**
Chapter **13**

SPECIAL NOTICE TO SECURED CREDITOR

To: **Wells Fargo**
P.O. Box 17339
Baltimore, MD 21297

Name of creditor

9525 Post Lane
Spotsylvania, VA 22553

Description of collateral

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- ☒ To value your collateral. *See Section 3 of the plan.* Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. *See Section 7 of the plan.* All or a portion of the amount you are owed will be treated as an unsecured claim.
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Gerald L. McTague
Lena A McTague

Name(s) of debtor(s)

By: /s/ Walter Ragland
Walter Ragland 22654
Signature

☒ Debtor(s)' Attorney
☐ Pro se debtor

Walter Ragland 22654

Name of attorney for debtor(s)

P.O. Box 675
Thornburg, VA 22565

Address of attorney [or pro se debtor]

Tel. # **540-370-4800**

Fax # **540-370-4903**

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on this **February 28, 2006**.

/s/ Walter Ragland

Walter Ragland 22654

Signature of attorney for debtor(s)

In re **Gerald L. McTague**
Lena A McTagueCase No. **05-39803**

Debtor(s)

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
Married	RELATIONSHIP None.	AGE
EMPLOYMENT	DEBTOR	SPOUSE
Occupation	field services contractor	underwriting clerk
Name of Employer	JMC Enterprises	Geico Insurance
How long employed	10 yrs	8 yrs
Address of Employer	P.O. Box 35 9525 Post Lane Spotsylvania, VA 22553	1 Geico Blvd. Fredericksburg, VA 22407

INCOME: (Estimate of average monthly income)

Current monthly gross wages, salary, and commissions (pro rate if not paid monthly)

Estimated monthly overtime

	DEBTOR	SPOUSE
	\$ 154.25	\$ 2,129.17
	\$ 0.00	\$ 0.00

SUBTOTAL

\$ 154.25	\$ 2,129.17
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LESS PAYROLL DEDUCTIONS

a. Payroll taxes and social security

b. Insurance

c. Union dues

d. Other (Specify)

\$ 0.00	\$ 408.48
\$ 0.00	\$ 153.30
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

SUBTOTAL OF PAYROLL DEDUCTIONS

\$ 0.00	\$ 561.78
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TOTAL NET MONTHLY TAKE HOME PAY

\$ 154.25	\$ 1,567.39
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Regular income from operation of business or profession or farm (attach detailed statement)

Income from real property

Interest and dividends

Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

Social security or other government assistance
(Specify) **SSI**

Pension or retirement income

Other monthly income

(Specify)

\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 10.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 750.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

TOTAL MONTHLY INCOME

\$ 914.25	\$ 1,567.39
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TOTAL COMBINED MONTHLY INCOME

\$ **2,481.64**(Report also on Summary of
Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

In re **Gerald L. McTague**
Lena A McTague

Debtor(s)

Case No. **05-39803**

SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)		\$	594.80
Are real estate taxes included?	Yes <u>X</u> No <u> </u>		
Is property insurance included?	Yes <u>X</u> No <u> </u>		
Utilities:		\$	200.00
Electricity and heating fuel		\$	20.00
Water and sewer		\$	0.00
Telephone		\$	45.00
Other Adelphia cable		\$	75.00
Home maintenance (repairs and upkeep)		\$	300.00
Food		\$	20.00
Clothing		\$	20.00
Laundry and dry cleaning		\$	50.00
Medical and dental expenses		\$	150.00
Transportation (not including car payments)		\$	15.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		\$	120.00
Charitable contributions		\$	0.00
Insurance (not deducted from wages or included in home mortgage payments)		\$	0.00
Homeowner's or renter's		\$	0.00
Life		\$	0.00
Health		\$	83.00
Auto		\$	0.00
Other		\$	0.00
Taxes (not deducted from wages or included in home mortgage payments)			
(Specify) sales tax		\$	34.33
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan.)			
Auto		\$	0.00
Other Orange Lake Resort & Country Club T/S		\$	195.13
Other		\$	0.00
Other		\$	0.00
Alimony, maintenance, and support paid to others		\$	0.00
Payments for support of additional dependents not living at your home		\$	0.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$	0.00
Other Petro		\$	200.00
Other emergency fund		\$	100.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		\$	2,222.26

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		\$	2,481.64
B. Total projected monthly expenses		\$	2,222.26
C. Excess income (A minus B)		\$	259.38
D. Total amount to be paid into plan each	Monthly	\$	259.00
	(interval)		

A T & T Universal
P.O. Box 1830602
Columbus, OH 43218

Advanta Bank Corp.
P.O. Box 8088
Philadelphia, PA 19101

Bank of America
P.O. Box 1758
Newark, NJ 07101

Chevy Chase Bank
P.O. Box 15153
Wilmington, DE 19886

Citi
Citi Cards
P.O. Box 183056
Columbus, OH 43218

Citi
Box 6500
Sioux Falls, SD 57117

Dept of Treasurers
Financial Management
P.O. Box 1686
Birmingham, AL 35201

Dept of Veteran Affairs
HH McGuire VA Med Center
P.O. Box 530269
Atlanta, GA 30353

Discover
P.O. Box 15251
Wilmington, DE 19886

Fredericksburg Emergency Med
P.O. Box 808
Grand Rapids, MI 49518

Fredericksburg Family Chiopra
10411 Courthouse Rd. Ste B
Spotsylvania, VA 22553

Kaua'i Medical Clinic
3 3420 Kuhio Hwy Ste B
Lihue, HI 96766

Orange Lake Resort &
Country Club
P.O. Box 850001
Orlando, FL 32885

Sallie Mae
P.O. Box 9500
Wilkes Barre, PA 18773

The Center for Orthopedics Inc
MSI Collections, Inc.
P.O. Box 7667
Fredericksburg, VA 22404

U.S. Trustee
600 East Main St. #301
Richmond, VA 23219

University of VA Health System
P.O. Box 800750
Charlottesville, VA 22908

Visa Sony Card
P.O. Box 15153
Wilmington, DE 19886

Wells Fargo
P.O. Box 17339
Baltimore, MD 21297

World Net Services
9543 South 700 East, Ste 200
Sandy, UT 84070

WWRC
P.O. Box 1500
Fishersville, VA 22939